

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CARMEN D. BURGOS-YANTIN, et al.

Plaintiffs,

v.

MUNICIPALITY OF JUANA DIAZ, et al.

Defendants.

Civil Action No. 07-1146 (GAG)

OPINION AND ORDER

The court amends its Opinion and Order at Docket No. 235 and based on its previous findings **DISMISSES** the supplemental state law negligence claims brought against the Municipality and the Supervisors. With respect to the supervising officers of the Puerto Rico Police Department and the supervising officers and policymakers of the Juana Diaz Police Department, Plaintiffs are unable to demonstrate that said parties failed to implement or enforce a policy regarding the administrative review of their officers' actions. Further, Plaintiffs provide no evidence that demonstrates a failure on behalf of the aforementioned parties to train their officers in the use of deadly force. Finally, even if the Supervisory-Defendants committed the alleged administrative oversights, Plaintiffs do not proffer sufficient evidence to establish a causal connection between the actions or omissions of the Supervisory-Defendants and the resulting conduct of the officers. (See Docket No. 235 at 7-11.)

Plaintiffs have failed to provide evidence to create a genuine issue of material fact demonstrating the negligence of these defendants in their roles as supervisors and policy makers. Therefore, the court **DISMISSES**, with prejudice, the state law negligence claims brought against the Municipality of Juana Diaz as well as the Supervisory-Defendants under the Plaintiffs' theory of supervisory liability. The only claims remaining before the court are those based on the individual liability of Sgt. Colon and Officers Conde, Alvarado, and Torres. (See Docket No. 235.)

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SO ORDERED.

In San Juan, Puerto Rico this 9th day of November, 2009.

s/ Gustavo A. Gelpí

GUSTAVO A. GELPI
United States District Judge